

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 22257 of 2016

Date of Decision: 10.01.2022

Pawandeep Kaur

....Petitioner

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. N.K. Setia, Advocate
for the petitioner

Ms. Ambika Bedi, AAG Punjab

Mr. J.S. Rattu, Advocate
for respondent No. 2

SUDHIR MITTAL, J.

The petitioner took admission in GNM course to be conducted during the period 2015-18 in respondent No. 3 – Institute. The present writ petition was filed seeking a writ in the nature of mandamus directing the respondents to recognize her admission as first year student and to accept her examination form and fee so that she could take her examination.

The filing of the writ petition was necessitated as record of respondent No. 2 – Council did not reflect her admission as a student of respondent No. 3 – Institute.

Learned counsel for the petitioner has submitted that the petitioner had applied for admission online and registration fee amounting to Rs. 1000/- was deposited in the account of respondent No. 3 – Institute as is evident from the Bank challan, copy of which is annexed as Annexure P-2. Necessary fee had already been paid earlier to the Institute as is evident from Annexure P-1 (colly).

However, since the record of the Council did not reflect the name of the petitioner, the Institute sent a request dated 16.11.2015 to the Council alongwith proof of payment of registration charges and requested that her name be included in the list of students. Name of one Amitpreet Kaur D/o S. Balraj Singh be deleted as it had been reflected twice. This was followed by representations dated 16.07.2016, 01.08.2016 and 11.08.2016. Since no action was taken despite repeated requests, the Institute wrote a communication dated 03.10.2016 to the petitioner that since her name was not being entered in the record of the Council she was entitled to refund of fee. It was also stated that she could not sit for the first year examination despite having completed the theory and clinical hours. All this shows that due to some error on the part of the Council, the petitioner was being made to suffer.

The writ petition was entertained vide order dated 25.10.2016 and the petitioner was permitted to take the first year examination provisionally. I have also been told that meanwhile the petitioner has completed the three years course and has passed the same, however, she is not being issued the Diploma and Detailed Marks Card since the writ petition is pending.

Learned counsel for respondent No. 2 – Council has submitted that the petitioner is not entitled to any relief as she has failed to produce a copy of her admission form. The record of the Council shows that Amitpreet Kaur D/o S. Balraj Singh was admitted against provisional enrollment No. 79 and her admission form is Annexure R-2/1 with the written statement. This proves that the petitioner was actually not admitted and that the challan form copy Annexure P-2 alone would not entitle her to relief. Provisional enrollment number 79 has been mentioned thereon too but her admission form has not been placed on record and, thus, she is not entitled to any relief.

The fact that the petitioner has since completed her course has not been denied. The bank challan (Annexure P-2) has also not been denied. Receipt

of representations collectively annexed as Annexure P-4 have also not been denied. Although it has been stated that the institute was asked to submit proof of admission on receipt of the representations, however, no communication to this effect has been placed on record.

From the admitted facts, it is evident that the name of Amitpreet Kaur occurs twice in the list of students. The petitioner's name is reflected against provisional enrollment number 79 and Amitpreet Kaur has also been admitted against the same provisional enrollment number. The last date for applying for admission was 31.10.2015 and the bank challan (Annexure P-2) is of the said date. It, thus, appears that some error has occurred either in the record of the Council or of the Institute. The continuous representations submitted starting from 16.11.2015 have not been denied and although the written statement says that in response thereto the Institute was asked to furnish proof of admission, no such communication has been placed on record. Meanwhile, the petitioner took her first year examination under orders passed by this Court and Council has permitted her to sit in the subsequent examinations without there being any specific orders in that regard. Great injustice will be caused to the petitioner in case her admission is cancelled at this stage.

Accordingly, the writ petition is allowed. Respondent No. 2 – Council is directed to declare the result of the petitioner and in case she has passed she should also be issued the Diploma Certificate and Detailed Marks Card. Needful be done within four weeks from the date of receipt of certified copy of this order.

10.01.2022
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(SUDHIR MITTAL)
JUDGE